REMARKS

This application has been reviewed in light of the Office Action dated October 4, 2004. Claims 1-39 are presented for examination, of which Claims 1, 5, 19, 23, and 36-39 are in independent form. Claims 1, 4, 5, 7, 12-14, 19, 22, 23, 25, 30, 31, and 36-39 have been amended to define still more clearly what Applicant regards as his invention, and Claims 2, 3, 9, 11, 15, 16, 20, 21, 26, 27, 29, 32, and 33 have been amended as to matters of form and/or to ensure consistency of terminology. Favorable reconsideration is requested.

The Office Action objected to the drawings, suggesting that Figures 1 and 4-8 be designated "PRIOR ART".

Applicant has so designated these figures. It is believed that the objection to drawings has been remedied, and its withdrawal is therefore respectfully requested.

The Office Action objected to Claims 2, 3, 12, 20, and 21 for the reasons noted at pages 3 and 4 of the Office Action.

Applicant has amended the phase "image character amount" in Claims 2, 3, 20, and 21 to read --image characteristic amount--, in accordance with the Examiner's suggestion. As for the objection to Claim 12, Applicant has amended the phrase "determined by in synchronous with" to read --based on--. It is believed that the objections to these claims have been remedied, and their withdrawal is therefore respectfully requested.

Claims 13 and 30 were rejected under 35 U.S.C. § 112, first and second paragraphs, for the reasons stated at pages 2 and 3 of the Office Action.

Applicant has amended the term "MINE TYPE" to read --MIME TYPE--. The specification at page 21, line 19, has been amended similarly. It is believed that the rejections under Section 112, first and second paragraphs, have been obviated, and their withdrawal is therefore respectfully requested.

Claims 1, 2, 19, 20, 36, and 38 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,822,003 (*Girod et al.*); Claims 5-8, 10, 23-26, 28, 37, and 39 were rejected under 35 U.S.C. § 102(a) as being anticipated by Applicant's Admitted Prior Art (*Admission*); Claims 9, 15-18, 27, and 32-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Admission* in view of *Girod et al.*; Claims 3, 4, 21, and 22 were rejected under Section 103(a) as being unpatentable over *Girod et al.* in view of *Admission*; Claims 11 and 29 were rejected under Section 103(a) as being unpatentable over *Admission* in view of U.S. Patent Publication No. 2002/0024602 (*Juen*); and Claims 12, 14, and 31 were rejected under Section 103(a) as being unpatentable over *Admission* in view of *Juen* and further in view of *Girod et al.*

As shown above, Applicant has amended independent Claims 1, 5, 19, 23, and 36-39 in terms that more clearly define what he regards as his invention. Applicant submits that these amended independent claims, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

The rejection of Claim 1 will be discussed first.

The aspect of the present invention set forth in Claim 1 is an image processing apparatus. The apparatus includes first extracting means, second extracting

means, judging means, and selecting means. The first extracting means extract a first image characteristic amount from an image. The second extracting means extract a second image characteristic amount from the image, the second image characteristic amount differing in quantity from the first image characteristic amount. The judging means judges a similarity between the first image characteristic amount extracted by the first extracting means and the second image characteristic amount extracted by the second extracting means, and the selecting means selects either the first image characteristic amount or the second image characteristic amount as a characteristic amount of the image in accordance with a judging result of the judging means.

Among other notable features of Claim 1 are judging a similarity between the first image characteristic amount extracted by the first extracting means and the second image characteristic amount extracted by the second extracting means, and selecting either the first image characteristic amount or the second image characteristic amount as a characteristic amount of the image in accordance with a judging result of the judging means. Specifically, when the similarity judged by the judging means is low, the image characteristic amount having the greater data amount is selected.

Girod et al. relates to image processing systems, and in particular fast implementations of the discrete cosine transform (DCT) suitable for embodiment in software.

The Office Action cites block 413 of Figure 4 as disclosing the judging and selecting means of Claim 1. Applicant respectfully disagrees. Figure 4 of *Girod et al.* merely depicts judging whether or not there is an error on the basis of the constructed

signal 411 and the original image block 405. An error indicative of differences between the original input block 405 and the reconstructed signal 411 is accumulated in block 413. When there is an error exceeding a predetermined threshold, a conventional full DCT (403) is applied to the input block (column 7, line 65, to column 8, line 16). However, nothing has been found in *Girod et al.* that would teach or suggest judging a similarity between the first image characteristic amount extracted by the first extracting means and the second image characteristic amount extracted by the second extracting means, and selecting either the first image characteristic amount or the second image characteristic amount as a characteristic amount of the image in accordance with a judging result of the judging means, as recited in Claim 1. That is, *Girod et al.* fails to teach or suggest that the image characteristic amounts are generated from the same image and are compared (judged) to each other, and that processing is executed based on the comparison result.

For at least the above reason, Applicant submits that Claim 1 is clearly patentable over *Girod et al.*

Independent Claims 19, 36, and 38 are method, storing medium and computer data signal claims respectively corresponding to apparatus Claim 1, and are believed to be patentable over *Girod et al.* for at least the same reasons as discussed above in connection with Claim 1.

The rejection of independent Claim 5 will now be discussed.

The aspect of the present invention set forth in Claim 5 is an image processing apparatus. The apparatus includes DCT processing means, quantization means, coefficient selection means, and setting means. The DCT processing means effect DCT

processing of an image. The quantization means effects quantization of data subjected to the DCT processing by the DCT processing means. The coefficient selecting means selects a number of quantization DCT coefficients to be extracted from among the quantization DCT coefficients subjected to the quantization by the quantization means, in accordance with a kind of an original image, and the setting means sets the number of quantization DCT coefficients selected by the coefficient selecting means as an image characteristic amount.

Among other notable features of Claim 5 is selecting a number of quantization DCT coefficients to be extracted from among the quantization DCT coefficients subjected to the quantization by the quantization means, in accordance with a kind of an original image. For example, the number of quantization DCT coefficients to be extracted from among the quantization DCT coefficients subjected to the quantization by the quantization means is selected in accordance with whether the original image is a still image or a moving image.

Applicant submits that nothing has been found in the *Admission* (Description of the Related Art section of the present specification) or Applicant's admitted Prior Art that would teach or suggest selecting a number of quantization DCT coefficients to be extracted from among the quantization DCT coefficients subjected to the quantization by the quantization means, in accordance with a kind of an original image.

For at least the above reason, Applicant submits that Claim 5 is clearly patentable over the *Admission*.

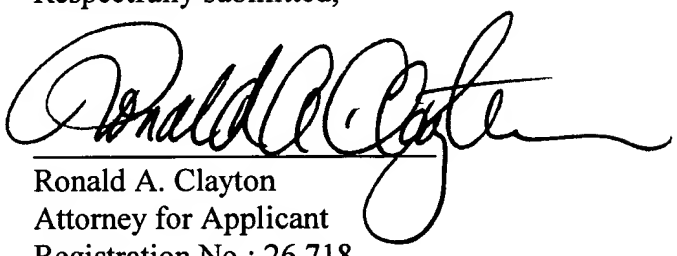
Independent Claims 23, 37, and 39 are method, storing medium and computer data signal claims respectively corresponding to apparatus Claim 5, and are believed to be patentable over *Girod et al.* for at least the same reasons as discussed above in connection with Claim 5.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



Ronald A. Clayton
Attorney for Applicant
Registration No.: 26,718

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

AMENDMENTS TO THE DRAWINGS

Attached herewith are five (5) corrected drawing sheets to be substituted for the corresponding drawing sheet presently on file in the above-identified application. The attached replacement drawing sheets includes labeling Figures 1 and 4-8 as "PRIOR ART". The replacement drawing sheet incorporates the changes required in reply to the Office Action dated October 4, 2004, and are not believed to add new matter to the original disclosure.

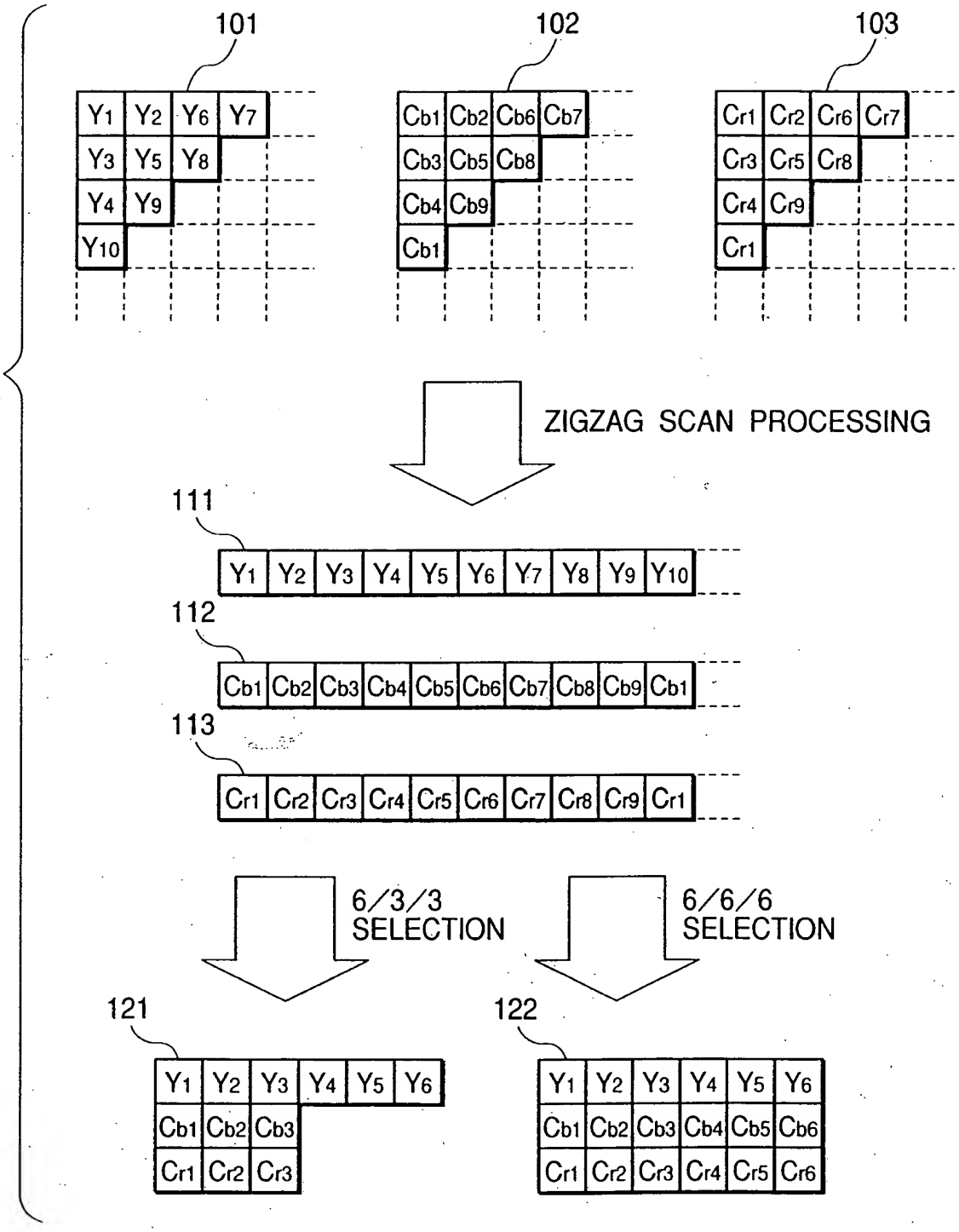
Attachments: Replacement Sheets

Annotated Sheets

Appln. No. 09/977,318
Amendment Date: 01/04/05
Reply to Office Action of 10/04/04
Annotated Sheet

PRIORART

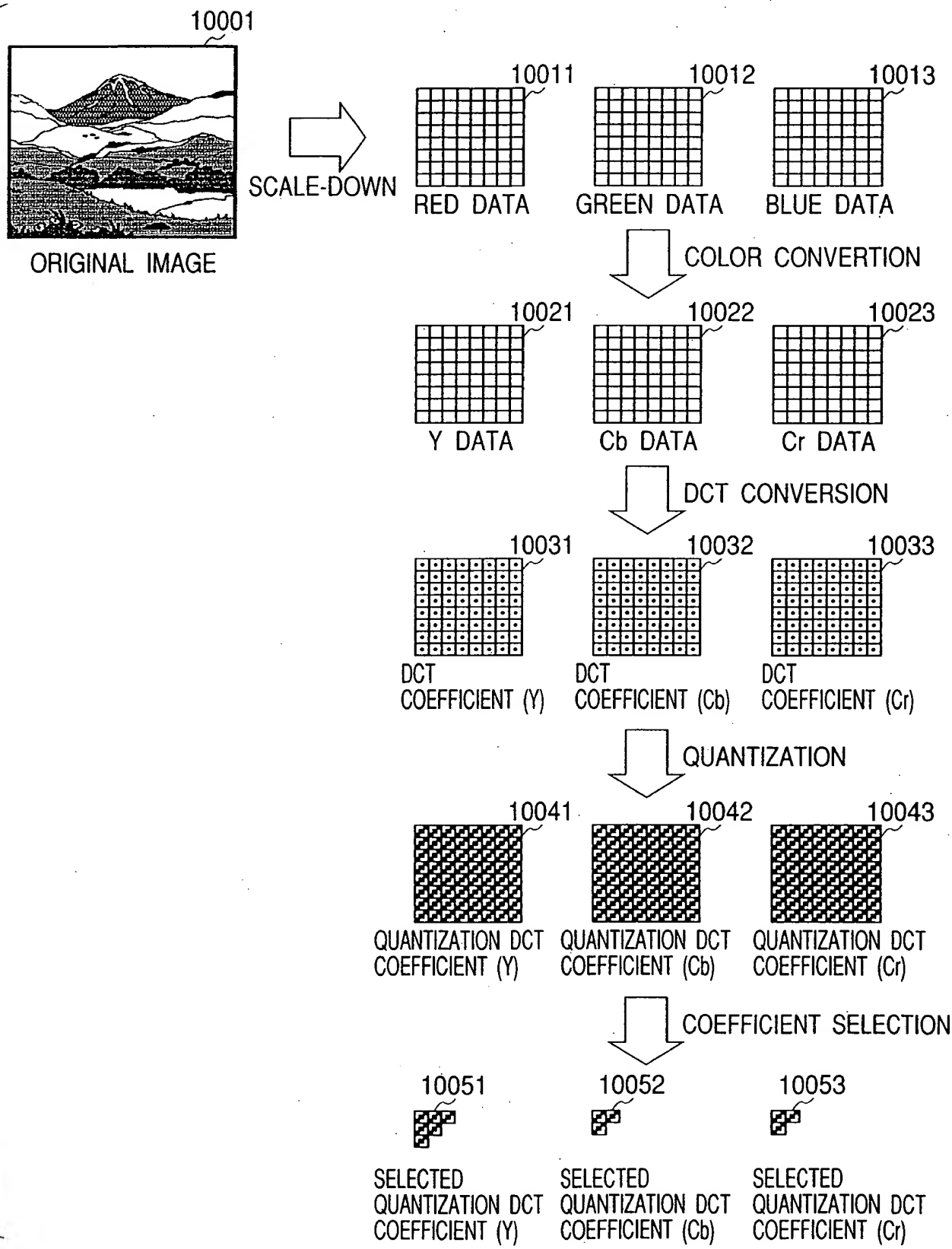
FIG. 1



4/8

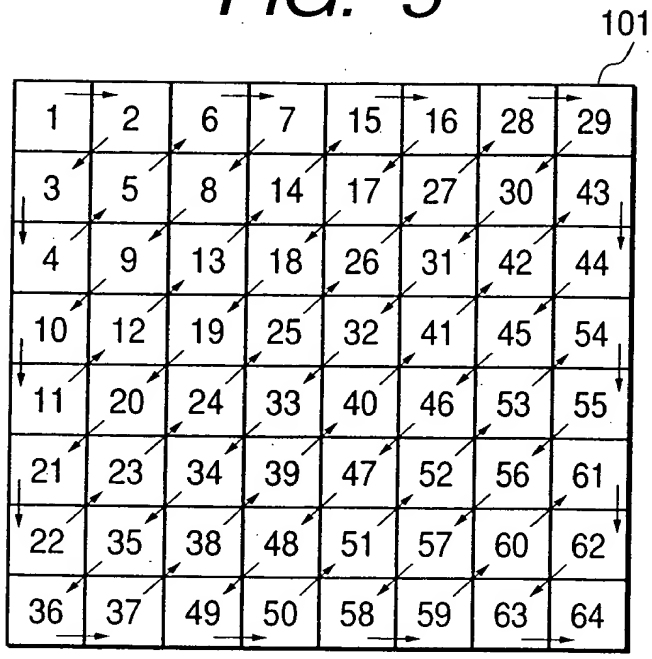
PRIOR ART

FIG. 4



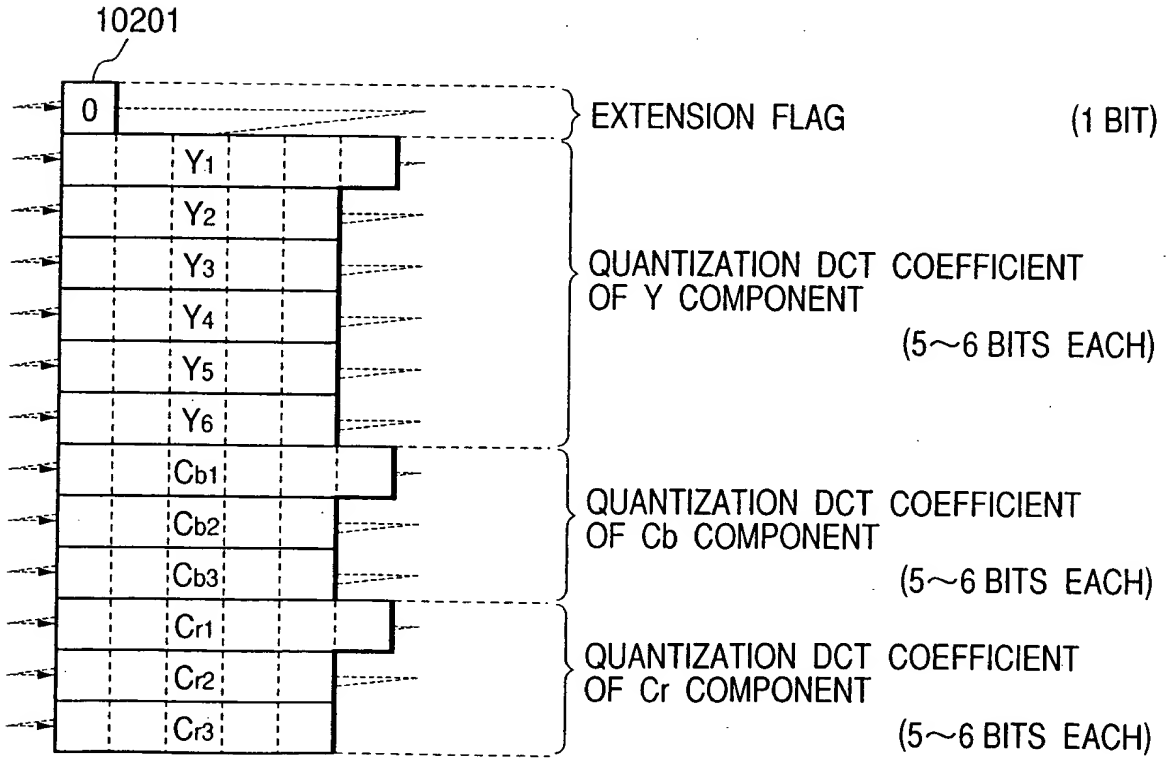
PRIOR ART

FIG. 5



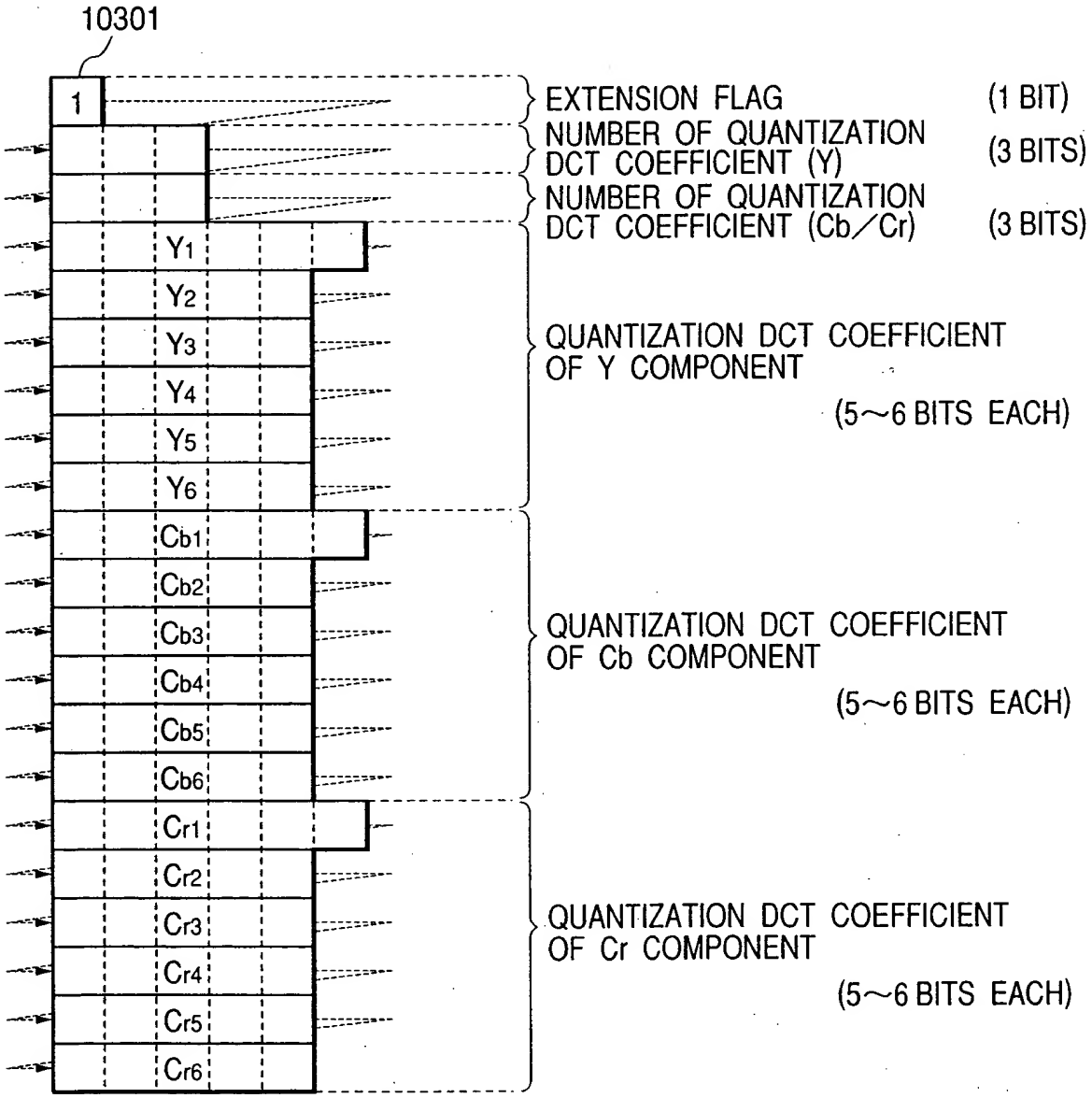
PRIOR ART

FIG. 6



PRIOR ART

FIG. 7



Appln. No. 09/977,318
Amendment Date: 01/04/05
Reply to Office Action of 10/04/04
Annotated Sheet

PRIOR ART
FIG. 8